
MEETING	LICENSING HEARING
DATE	7 JUNE 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND RICHARDSON

6. CHAIR

RESOLVED: That Councillor Boyce be elected as
Chair of the meeting.

7. INTRODUCTIONS

8. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

9. THE DETERMINATION OF AN APPLICATION BY MR. ABU HASNATH FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 69 MICKLEGATE, YORK, YO1 6LJ. (CYC-020420)

Members considered an application by Mr. Abu Hasnath for a premises licence in respect of 69 Micklegate, York.

In coming to their decision, the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 69 Micklegate. The premise is located within the special policy area. A plan showing the layout

was tabled. A number of conditions had been agreed with North Yorkshire Police and consultation had been carried out successfully. The premises had previously operated as a restaurant.

3. The applicants representations made at the hearing. He advised that the premises had been licensed for many years for use as a restaurant and the previous licence had lapsed in 2011. He offered to remove 71 Micklegate from the licence application as well as bringing the opening time and sale of alcohol time forward to 10am. In addition it was confirmed that it had been agreed to remove recorded music from the application following advice from the Council's Environmental Protection Unit. In response to the representations made by Local Residents at the hearing, it was agreed that bottle bins would not be emptied early in the morning or late at night.
4. The representations made at the hearing by local residents who although they welcomed the changes to the operation of the premises, raised concerns about noise after 11pm. They were particularly concerned about noise from bottle bins.
5. Written representations made during the consultation period.

In coming to their decision, the sub-committee were presented with the following 4 options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

The Sub Committee chose Option 2 and decided to grant the licence with modified/additional conditions as follows

(acknowledging that number 71 Micklegate had been withdrawn from the application):

- i. All on-sales shall be ancillary to a table meal.
- ii. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol.
- iii. CCTV will be maintained, working and recording at all times when the premises are open.
- iv. The recordings should be of sufficient quality to be produced in Court or other such hearing.
- v. Copies of the recordings will be kept available for any Responsible Authority for 28 days and will be made available to any Responsible Authority within 48hrs of request.
- vi. Copies of the recordings will display the correct time and date of the recording.
- vii. Customers shall remain seated whilst consuming alcohol.
- viii. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo (until other effective identification technology, e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
- ix. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
- x. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening Times of the venue. Such records shall be kept for at least one year and they will be made available upon a reasonable request from any Responsible Authority.

- xi. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority and will be kept for at least one year.
- xii. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
- xiii. The venue shall participate in the York Night time Economy radio System.

The Sub Committee also issued the following informative:

Bottles should not be transferred to external bins after 23:00.

All relevant mandatory conditions shall apply.

RESOLVED: That in line with Option 2, the licence be granted.

REASON: To address the representations made.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.00 am].